/118/ CHAPTER VIII.

Hiring out. - An object found. - Objects entrusted for safe-keeping. - Gifts. - Trade. - Debts. - The value of animals by customary law. - The transport of cargo on camels.

241 Among the agriculturalists there is a form of hiring of workers
465 on shares. Well-to-do people give the worker sustenance and seeds and lend him their livestock, land and tools during the field work. The worker receives a remuneration from the harvest, depending on circumstances, of one-fourth to one-half. If there is no harvest, there is no remuneration.

463 In addition the hiring of servants (yalchi) exists, for 1) pastur-
465 ing livestock (the shepherd is called kanchi, or specifically, koychi for sheep, dzhilkychi for a drove of horses, kelakhtachi for geldings), 2) for field labor (eginchi), 3) for domestic services (dzhigit, khyzmekter) and 4) for official errands (yasaul) for the volost official, the bii, etc. These servants or workers are hired by the year, or, rarely, by the month or the day. The servants receive pay either in full in advance, or half in advance and the remaining half after a certain period. In case of resignation by one side, an accounting is made by days and the worker returns to the employer anything extra he has received. The presence of witnesses when the conditions are drawn up is not obligatory.

466 The master calls his servant "balam" (my son), "adamym" (my man), or kuzim" (my eye). In accordance with this last appellation, the servant is obliged to avert losses, even though these may not be related to his specialty.

Servants are held responsible for intended (kasdan) damage which they cause. They are held responsible on a general basis for stealing from the master.

For damage and losses, resulting from neglect (bigamdiktan) and lack of watchfulness (khatadan), for example, breaking things, loss of a sheep, a servant does not pay, except in cases where the condition was made that he would pay.

/119/ A master may scold and even beat a hired servant up to three blows with a whip, with impunity. With the fourth blow the master is already considered in error (aybday), and after this the servant can complain. A servant dare not scold or beat his master under fear of being sentenced to pay an atton and to beg forgiveness.

A master who is touched by the plea of the servant, who throws himself down at his feet and holds him by the hand, sometimes forgives the entire suit. When there are blows from both sides, the matter passes without attention. 466

A servant is not fined for negligent service, but is only dismissed with a settlement. At present some require a servant to pay for damage resulting from his negligence. For example, if a sheep is lost during the day, some sue for half or one-third of its value. But if it is lost at night the shepherd is not guilty because he sleeps at night. Sometimes a koychi gives a friend a sheep belonging to his master, which the latter does not even miss. The shepherd justifies himself by saying that it ran away. If the deception is uncovered, the shepherd pays the value of the sheep and an additional fine in the amount of one sheep. If the master recalls that there were losses of sheep even earlier under this shepherd, he then requires an oath concerning these losses from the shepherd himself, or if the shepherd lives with his family or his kinsmen, he requires the oath from them. The master may consider it a dishonor to himself to take an oath from a shepherd as a person not his equal (koychinyn dzhanyn almaymyn, durus ksi imes). In this case the biis require the oath from the master himself. 466 233

The shepherd is not held responsible for sheep eaten by wolves even when conditions had been made for reimbursement of damages. A shepherd is not held responsible at all for falls and natural death (adzhal') of the livestock.

Only a rebuke, but not a suit is made for the shearing of wool with scissors (kyrktys) from the master's sheep by a strange man or by the shepherd himself, for the wool, milk and working power of the animals is considered "the beneficence of the animals" (malnyng khayry), and no payment is made for their use. /120/ A person who demands payment for them is reproached with the words: "Let that man perish who has not grown wealthy" (bay bolmay ulsin).

A strange animal joining the herd (buralky, nukatyk) is in general acquired by the shepherd. A greedy master can demand it for himself on the ground that his livestock attracted the strange animal. Among the Kirgiza strange animal joining the herd goes to the shepherd if he does not declare it to his master. But if the master finds out about it, he demands it for himself because it joined (singib kitti) his herd. Some keep the strange animal (bularky in Kirgiz), others slaughter it for kudai, a feast of the people. Under the Russian dominion it has been established that a runaway or strange animal. 466 233 425

joining the herd must be presented to the authorities. The master who loses an animal turns to the authorities who investigate the whereabouts of the lost animal.

According to Makovetkii (I p. 43), the amount of syuyunchi for the presentation of a lost animal goes up to one-fifth its value. An exception is the sheep: the person who finds it keeps its offspring, and returns the lost animal to the owner. But if he spoils the sign of the owner on the sheep, then he returns the sheep and its offspring. Torgai says that the person who finds a pregnant sheep returns the ewe and the lamb to the owner, so that if the finder ever loses a pregnant ewe he will also get it back with the lamb. But if the owner of the found ewe declares himself only after two or three years, he is given one ewe, "in accordance with the customary law and the Shariat, " and they say: "If you recognize your lamb, take it" (kozysyn tanysang alakoy). Torgai also knows another opinion, by which an owner who appears after two or three years is granted only half a sheep, having in view the expense and labor of its maintenance (bagyb kagyb). If the person who found the sheep denies it, the oath is required of the owner himself. For the return of his lost horse, cow or camel, the owner must present seven witnesses (isbat), of whom two must swear an oath. If the finder has informed everyone of his find, it is not thievery for him to put his brand on it.

/121/ Livestock are kept for two or three weeks. After that, they declare to the volost administrator that the owner has not appeared.

If the animal found gives birth to a calf, the calf is not divided from its mother and also belongs to the owner, while if no owner appears, it belongs to the finder. If many livestock are lost, and fewer found, the finder is accused of having hidden the rest. This kind of case is settled on the basis of testimony from unimplicated persons, without an oath.

Things which are found (nerse, buyum), go to the finder if no one witnessed the finding. If there were witnesses, the find is kept by the finder from one to two months until the owner appears, who then receives his object for the payment of syuyunchi.

The longer the object is kept, the larger the amount of the syuyunchi. Speaking approximately, for an object worth 1 ruble, the syuyunchi amounts to 20 kopeks, for something worth 10 rubles, 2 rubles, for something worth 20 rubles - 5 rubles, for a horse - 1 tillia /3-4 rubles/, for a camel, 5-8 rubles. If the owner of the thing does not declare himself, it becomes the possession of the finder.

When money is found it is divided among all those present when it is found, with the obligation to give it up if the owner declares him-